United Nations A/C.2/61/2

General Assembly

Distr.: General
2 October 2006

Original: English

Sixty-first session
Second Committee
Agenda item 55 (b)
Globalization and interdependence: international migration and development

Letter dated 28 September 2006 from the Permanent Representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

We have the honour to submit to you the attached document, entitled "Bali Process Steering Group Co-Chairs — Australia and Indonesia — contribution to the High-level Dialogue on International Migration and Development" (see annex).

The document was officially launched and circulated during a panel discussion convened jointly on 13 September 2006 by the Permanent Missions of Australia and Indonesia as a side event to the United Nations High-Level Dialogue on International Migration and Development, held on 14 and 15 September 2006.

The side event, entitled "The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: a regional consultative process in the Asia-Pacific and beyond", was co-chaired by Lydia Morton, Australian Ambassador for People Smuggling Issues, and Rezlan Ishar Jenie, Indonesian Ambassador and Permanent Representative to the United Nations. The event was attended by ministers, senior officials, and Member State delegations, as well as representatives of relevant international and non-governmental organizations.

Given the important role of regional consultative processes within the context of the global debate on international migration and development, we would be grateful if you would circulate the present letter and its annex as a document of the sixty-first session of the General Assembly for consideration under agenda item 55 (b).

(*Signed*) Robert **Hill**
Ambassador and Permanent Representative
Australia

(*Signed*) Rezlan Ishar **Jenie**
Ambassador and Permanent Representative
Republic of Indonesia

06-55237 (E) 061006

Annex to the letter dated 28 September 2006 from the Permanent Representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

BALI PROCESS STEERING GROUP CO-CHAIRS - AUSTRALIA and INDONESIA - CONTRIBUTION TO THE HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

I. BACKGROUND

Recognizing the importance of addressing the issue of International Migration and Development comprehensively, Australia and Indonesia, in their capacity as Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, welcome the convening of the first United Nations High-Level Dialogue on International Migration and Development in New York on 14-15 September 2006 as outlined in UNGA Resolution 60/227 'International Migration and Development'.

2. The Bali process, consisting of over 50 countries from the Asia-Pacific region and beyond, together with numerous international agencies, fully recognises that the issue of people smuggling and trafficking in persons has become a major concern not only to countries in the Asia and Pacific region, but also to the international community as a whole. Such activities not only erode states' capacity to protect their borders but cause significant political, economic, social and security challenges. The Bali process recognises that poverty, economic disparities, labour market opportunities and conflict are major causes contributing to the global increase in people smuggling and trafficking in persons.

3. In this light, the Governments of Indonesia and Australia, taking into account the need for collective measures, continue the role of Co-Chairs of the Bali process and, in conjunction with an officials' level steering group comprising New Zealand and Thailand, the International Organization for Migration and the United Nations High Commissioner for Refugees, have maintained this forum for dialogue, coordination and cooperation among relevant ministries and stakeholders since the first Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia, in 2002. This inaugural Bali Ministerial Conference outlined a blueprint for coordinated regional action to combat people smuggling and trafficking in persons, and to address challenges presented by unregulated migration and its impact on society. Continuing this political momentum, the second Bali Regional Ministerial Conference, also held in Bali, in 2003, further promoted efforts to combat people smuggling, trafficking in persons and related transnational crime by forging greater regional and inter-regional cooperation, including knowledge sharing, networking, and strengthening border control management and facilities.

4. Activities undertaken by the Bali process are practical, targeted and focused on capacity building through the involvement of operational level officials representing justice, law enforcement, immigration, foreign affairs and other key agencies involved in combating people smuggling, trafficking in persons and related transnational crime. Workshops and related activities are highly participatory and are designed to achieve practical outcomes that will contribute to tangible results at the national and regional level in the effort to combat these transnational crimes.

5. Areas addressed by the Bali process include developing more effective information and intelligence sharing; improving cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks; enhancing cooperation on border and visa systems to detect and prevent illegal movements; increasing public awareness; enhancing the effectiveness of return as a strategy to deter people smuggling and trafficking including through conclusion of appropriate arrangements; enacting national legislation to criminalise people smuggling and trafficking in persons, among others.

6. The next activity on the Bali process forward agenda is a workshop on victim-centred approaches to trafficking in persons to be hosted by Indonesia, and co-chaired by Australia, in Bali, 7-9 November 2006. This workshop will include all Bali process states.

7. The Bali process website (www.baliprocess.net) provides information on the Bali process and is currently being developed as a tool for exchange of best practices for capacity-building, including providing model agreements and operational information.

II. KEY OBJECTIVES, DIRECTIONS AND LESSONS FOR THE BALI PROCESS

8. At the two Bali Ministerial Conferences, Ministers from Bali process states agreed to the following specific objectives for the Bali process:

- the development of more effective information and intelligence sharing;
- improved cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
- enhanced cooperation on border and visa systems to detect and prevent illegal movements; increased public awareness in order to discourage these activities and warn those susceptible;
- enhanced effectiveness of return as a strategy to deter people smuggling and trafficking through conclusion of appropriate arrangements;
- cooperation in verifying the identity and nationality of illegal migrants and trafficking victims;

- the enactment of national legislation to criminalise people smuggling and trafficking in persons;
- provision of appropriate protection and assistance to the victims of trafficking, particularly women and children; and
- enhanced focus on tackling the root causes of illegal migration, including by increasing opportunities for legal migration between states.

9. A 2004 meeting of senior officials from Bali process states noted that the Bali process could best add value particularly in the following key areas:

- regional law enforcement cooperation, including on border controls;
- regional training for law enforcement officers in dealing with the victims of trafficking and in combating trafficking;
- public awareness of people smuggling and trafficking;
- child sex tourism;
- mutual assistance and extradition;
- development of policy and/or legislation on lost and stolen passports; and
- targeting people smugglers and traffickers.

10. A primary achievement of the Bali process has been the development of an enabling environment for practical cooperation and a more integrated approach to cooperation in a range of regional forums and in bilateral relationships within the region. Additionally, cooperation on migration issues has complemented and enhanced regional cooperation on related challenges such as the fight against terrorism. A key element to achieving progress is the involvement of expert level officials. This has been the best way to achieve practical outcomes across a range of areas including:

- the development of model legislation for member countries to use in drafting domestic laws to criminalise people smuggling and trafficking in persons;
- greater cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
- greater cooperation on border and visa systems to detect and prevent illegal movements and cooperation to verify the identity and nationality of illegal migrants;
- raising public awareness of the risks becoming involved in these activities; and
- enhanced cooperation in relation to the return of those smuggled persons found not to be refugees.

11. Bali process states have also learned to appreciate the value of having the International Organization for Migration (IOM) to assist in building capacity to combat people smuggling and trafficking in persons. IOM has a great breadth and depth of experience on migration matters. Participating states also greatly appreciate the role and involvement of UNHCR in the Bali process.

III. CONTRIBUTIONS BY THE BALI PROCESS CO-CHAIRS — AUSTRALIA & INDONESIA — TO THE HIGH-LEVEL DIALOGUE

12. As mentioned in the Secretary General's report A/60/871, regional consultative processes play an important role in formulating a global migration dialogue. Acknowledging the High-Level Dialogue as an opportunity to forge greater cooperation and coordination at the international level, the Bali process is honoured to present the following to the High-Level Dialogue:

(i) Within the Asia-Pacific region, there is a need for states of the Bali process to improve the quality of data collection and sharing arrangements to further international cooperation to counter trafficking in persons and people smuggling. The availability of meaningful data on migration is an essential element in the development of an effective migration policy framework. Presently, this is limited by the lack of comprehensive and accurate data sources.

(ii) Regional Consultative Processes remain the most effective way for states to cooperatively combat trafficking in persons and people smuggling. They are also helpful for officials to network on broader international migration issues.

(iii) Coordination and consultation between relevant international and regional organizations should be encouraged to avoid duplication and maximize resources. The High-Level Dialogue should consider establishing mechanisms for regional consultative processes to conduct inter-regional meetings to exchange best practices.

(iv) The High-level Dialogue on International Migration and Development should consider follow up activities at the global level that complement efforts of governments at the regional level to ensure a coordinated and comprehensive approach in combating people smuggling and trafficking in persons. Hence, regional processes and consultations should be supported by international efforts. For example, the model legislation developed by Bali process states to criminalise people smuggling and trafficking in persons is consistent with the relevant United Nations General Assembly Resolutions, and the United Nations Convention against Transnational Organised Crime, in particular its two protocols on human trafficking and people smuggling.

13 September 2006
New York

United Nations A/C.2/61/3

General Assembly

Distr.: General
12 October 2006

Original: English

Sixty-first session

Second Committee

Agenda item 56 (b)

Groups of countries in special situations: specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation

Letter dated 4 October 2006 from the Permanent Representative of the Lao People's Democratic Republic addressed to the Secretary-General

In my capacity as Chairman of the Group of Landlocked Developing Countries, I have the honour to transmit herewith the Declaration adopted at the Meeting of Heads of State or Government of the Group of Landlocked Developing Countries, held in Havana on 14 September 2006 (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as an official document of the General Assembly, under agenda item 56 (b).

(*Signed*) A'ounkeo **Kittikhoun**
Ambassador
Permanent Representative
Chairman of the Group of Landlocked Developing Countries

06-56886 (E) 181006

Annex to the letter dated 4 October 2006 from the Permanent Representative of the Lao People's Democratic Republic addressed to the Secretary-General

Declaration of the Heads of State or Government of Landlocked Developing Countries (LLDCs)

We, the Heads of State or Government of Landlocked Developing Countries, meeting in Havana, Cuba, on 14th September 2006 on the margins of the XIV Summit of the Non-Aligned Movement (NAM),

Expressing the concern that landlocked developing countries face serious constraints and special challenges and are being increasingly marginalized in the multilateral trade and faced with declining market shares in the world trade,

Recalling the United Nations Millennium Declaration[1] adopted on 8 September 2000 in which the Heads of State and Government recognized the particular needs and problems of landlocked developing countries and urged both bilateral and multilateral donors to increase financial and technical assistance to this group of countries to meet their particular development needs and to help them overcome the impediments of geography by improving their transit transport systems,

Recalling also the Almaty Declaration[2] and the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries[3] adopted at the International Ministerial Conference on Transit Transport Cooperation (IMC), convened by the United Nations General Assembly in 2003 in Almaty, Kazakhstan, that was the first watershed event of the United Nations intended to forge a global partnership for addressing the special needs and the marginalization of landlocked developing countries,

Recalling further the 2005 World Summit Outcome[4] in which the special needs and challenges faced by landlocked developing countries were recognized along with reaffirmed commitments of the world leaders to urgently address those challenges by fully, timely and effectively implementing the Almaty Programme of Action,

Recalling the General Assembly resolutions 56/180 of 21 December 2001, 57/242 of 20 December 2002, 58/201 of 23 December 2003, 59/245 of 22 December 2004 and 60/208 of 22 December 2005,

Recalling also the Asuncion Platform for the Doha Development Round adopted at the Meeting of Ministers Responsible for Trade of Landlocked Developing Countries in 2005 in Asuncion, Paraguay[5],

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[1] See General Assembly resolution 55/2.
[2] A/CONF.202/3, annex II.
[3] Ibid., annex I.
[4] See General Assembly resolution 60/1.
[5] A/60/308, annex.

Expressing support to developing countries emerging from conflict, in particular landlocked developing countries, with a view to enabling them to rehabilitate and reconstruct, as appropriate, political, social and economic infrastructure and to assist them in achieving their development priorities in accordance with the goals and targets of the Almaty Programme of Action,

1. *Reaffirm* the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with international law.

2. *Reaffirm also* that transit countries, in the exercise of their full sovereignty over their territory, should take all measures necessary to ensure that the rights and facilities provided for landlocked developing countries are fully respected and granted in conformity with the Almaty Programme of Action.

3. *Commit* ourselves to establish genuine partnerships with our transit neighbors and our development partners at the national, bilateral, subregional, regional and global levels in order to attain the objectives of the Almaty Programme of Action.

4. *Emphasize* the need to establish dialogue between Governments of landlocked developing countries and business communities, aimed at increasing active involvement of the private sector in the process of implementation of the Almaty Programme of Action.

5. *Undertake* to continue implementing reforms addressing the priorities agreed upon in the Almaty Programme of Action while prioritizing and developing transit transport infrastructures within their national budget and overall economic development strategies. We are further dedicated to strengthening the commitment of national organizations and their full support and cooperation in the implementation of the Almaty Programme of Action.

6. *Emphasize* that landlocked developing countries depend on their transit neighbours for access to and from the sea, efficient transit systems require closer and effective cooperation and collaboration between landlocked developing countries and their transit neighbours. *Express* our deep commitment to closely cooperate with our transit neighbours. In this context, regional economic groupings and transit agreements, as well as bilateral agreements, play a critical role in promoting transit transport cooperation. We are committed to the effective implementation of these agreements.

7. *Emphasize* that trade is essential for landlocked developing countries to generate resources for financing their growth and development. In this regard, *call on* the international community to give special consideration to the unique and very difficult problems confronted by landlocked developing countries in WTO negotiations on market access. Very high trade transaction costs nearly wipe out any profit margin gained by LLDCs from their participating in the international trade. Without support and special attention from international community, landlocked developing countries continue to be further marginalized in an increasingly globalized and competitive world economy. The WTO trade negotiations on trade facilitation are a most relevant and important issue for landlocked developing countries. *Stress* the need for increased technical assistance in capacity building in this area. *Underline* the importance of simplifying and harmonizing international trade procedures which are of even greater importance to LLDCs than to other countries, because of their needs to pass much of their merchandise trade at least one transit country. *Call on* development partners to give

priority in the implementation of the Aid-for-Trade initiatives by development partners so that they can effectively participate in WTO negotiations in pursuit of the Asuncion Platform for the Doha Development Round. *Express* concern over the suspension of WTO negotiations and *call for* an early resumption of the WTO negotiations on Doha Development Agenda.

8. *Stress* that the official development assistance has a critical role to play in support of establishing efficient transit transport systems as called for by the Almaty Programme of Action. Landlocked developing countries are in great need of financial assistance for the construction, maintenance and improvement of their transport, transit-related facilities, including alternative routes and improved communications. In this regard, it is urgent to identify "missing links" of transit transport infrastructures, and *urge* the international community to provide priority financial assistance to support efforts undertaken by LLDCs to link their transport infrastructure systems with the regional networks. The assistance should be urgently provided in the form of grants and most concessional loans.

9. *Call on* United Nations system organizations and other international organizations, particularly the United Nations Conference on Trade and Development, the United Nations Regional Commissions, the United Nations Development Programme, World Bank, regional development banks, World Customs Organization and other international and regional organizations to redouble their efforts to assist landlocked and transit developing countries in implementing the Almaty Programme of Action.

10. *Request* the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS), in accordance with the mandate given by the General Assembly in its resolution 56/227 of 24 December 2001 and in the Almaty Programme of Action, to enhance its coordination and cooperation with organizations within the United Nations system, particularly those engaged in operational activities on the ground in landlocked and transit developing countries and other relevant international organizations in order to assist in the full and effective implementation of the Almaty Programme of Action in line with the relevant resolutions of the General Assembly.

11. *Emphasize* the importance of the monitoring and systematic review of the implementation of the Almaty Programme of Action for its success and *call for* a mid-term review to assess the progress made and to chart out further strategies to translate special actions called for in the Almaty Programme of Action into specific projects. The mid-term review should be conducted in the year 2008 and be preceded by relevant thematic and regional or subregional reviews.

12. *Request* the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States to provide necessary preparations for the midterm review and coordinate and mobilize system-wide efforts within the United Nations for the successful organization of the process.

13. *Also request* the Secretary-General of the United Nations to undertake necessary measures to provide UN-OHRLLS with the necessary resources to enable it to carry out its tasks related to the mid-term review and other related mandates given by the General Assembly.

14. *Express* our heartfelt thanks and appreciation to the Government and people of Cuba for their generous hospitality and all necessary facilities provided for the successful convening of this historic Meeting.